

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David J. Ecker et al. Confirmation Number: 7830
Serial No.: 10/660,122 Group No.: 1637
Filed: 9/11/2003 Examiner: A. Bertagna
Entitled: METHOD FOR RAPID IDENTIFICATION OF PATHOGENS IN
HUMANS AND ANIMALS

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

EFS Web Filing
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Bertagna:

As an addendum to the Information Disclosure Statement letter filed August 22, 2008 (copy attached), Applicants wish to clarify and correct certain typographical errors that were inadvertently included in that letter. In particular, Applicants incorrectly referred to control number 90/010,209 as a "re-issue of US patent # 7,217,510" and control number 90/010,210 as a "re-issue of US patent # 7,108,974". In fact, those control numbers refer to reexamination proceedings involving the corresponding U.S. patents. Applicants apologize for any confusion that these errors may have caused. If further clarification is required, please contact the undersigned at 760-603-3560.

The Commissioner is hereby authorized to charge Deposit Account No. 504191 referencing case number DIBIS-0002US.P3, if any fee is due.

Respectfully submitted,


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1896 Rutherford Road
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Dated: August 25, 2008

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Dear Examiner Bertagna:

The items listed below may be material to the examination of the above-identified application, and are therefore submitted in compliance with the duty of disclosure defined in 37 C.F.R. §§ 1.56 and 1.97 enclosed herewith is PTO Forms PTO/SB/08A and PTO/SB/08B listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This supplemental IDS includes patents, patent applications, patent publications, search reports, scientific references, and Office Communications from other patent applications owned by Applicants. Also included under the heading "Table listing related applications and file history excerpts from those related applications" is a table summarizing substantive Office Actions from Applicants' patent application serial numbers 11/233,630, 11/331,978, 11/331,987, 11/869,449, 11/929,930, 11/929,707, 11/929,910, 11/930,017, 11/930,741, 10/754,415, 10/418,514, 90/010,209 (re-issue of US patent # 7,217,510), 90/010,210 (re-issue of US patent # 7,108,974) received after March 13, 2008. This table includes the dates of each Official Action, a listing of references cited under 35 U.S.C. §§ 102 or 103, a listing of other rejections or action, and a status of the applications.

Applicants also include copies of Form 1449/PTO for supplemental IDSs from each of these issued patents related to the above listed applications: 7,108,974, 7,226,739, and 7,255,992. These supplemental IDSs were submitted in the respective applications after allowance of the respective applications and were not considered by the Examiner in those respective applications. Each of the references cited in the supplemental IDSs for the three issued patents are of record in the present application either from prior or the present IDS. Applicants wish to ensure that the Examiner considers each of these references during review of the present application and does not rely on their presence in the file histories of the earlier filed, now issued, applications.

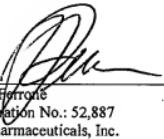
This Information Disclosure Statement is being filed after the mailing date of the first official action on the merits, but before the mailing date of the first office action to occur of either: (1) a final action under 37 C.F.R. § 1.113; or (2) an action that otherwise closes prosecution in the application. Attached hereto is the fee set forth under 37 C.F.R. § 1.17(p) for submission of this Information Disclosure Statement under 37 C.F.R. § 1.97(c).

Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose. This application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirements under 37 C.F.R. § 1.98(a)(2)(ii), copies of each U.S. Patent and each U.S. Patent Application Publication are not required to be submitted.

The Commissioner is hereby authorized to charge Deposit Account No 504191 referencing case number DIBIS-0002US.P3.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,



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Dated: 8/22/2008

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